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Attorneys for Defendants  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

Michael Izell Seals,  
  
Plaintiff,  
  
v.  
  
Officer Rodney K. Mitchell, et al.  
  
Defendants.

CASE NO. C-04-3764 NJV

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER ADOPTING AN ABBREVIATED  
BRIEFING SCHEDULE ON PLAINTIFF'S  
MOTION FOR A PROTECTIVE ORDER  
REGARDING THE REASONABLENESS OF  
EXPERT FEES**

1 Plaintiff Michael Izell Seals and Defendants John Rynhart and Lyle Thomas submit this  
 2 Joint Stipulation and [Proposed] Order Adopting an Abbreviated Briefing Schedule on Plaintiff's  
 3 Motion for a Protective Order Regarding the Reasonableness of Expert Fees.

4 Plaintiff disputes the reasonableness of the fee charged by Defendants' medical expert,  
 5 Dr. Peter N. Sfakinaos, for deposition time under Fed. R. Civ. P. 26(b)(4)(E). Defendants have  
 6 declined to reduce Dr. Sfakianos's deposition fee. The parties have met and conferred on the  
 7 issue and exchanged correspondence outlining their positions. The parties do not believe the  
 8 dispute is complex and have narrowed the issues for the Court's consideration through the meet  
 9 and confer process. The parties believe the most expeditious and cost-effective method for  
 10 submitting their dispute to the Court would be to submit letter briefs on the issue and allow the  
 11 Court to rule on the reasonableness of Dr. Sfakianos's fee. The parties therefore jointly request  
 12 the Court adopt the Order outlined below which would allow the parties to submit (1) letter  
 13 briefs not to exceed four pages outlining their positions regarding the reasonableness of  
 14 Dr. Sfakianos's deposition fee and (2) declarations appending Dr. Sfakianos's fee schedule, the  
 15 parties' correspondence on the issue, portions of Dr. Sfakianos's deposition transcript, or any  
 16 other material relevant to the Court's analysis. The parties would submit the matter to the  
 17 Court's consideration without a hearing.

18  
 19 Dated: April 4, 2011

LATHAM & WATKINS LLP

Alfred Pfeiffer  
 Ashley M. Bauer  
 Rahul Kolhatkar  
 Christopher J. Carlberg

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 22  
 23 By /s/Rahul Kolhatkar

Rahul Kolhatkar  
 Attorney for Plaintiff  
 Michael Izell Seals

1 Dated: April 4, 2011

JONES & DYER  
Mark A. Jones  
Kristen K. Preston

4 By /s/Mark A. Jones  
Mark A. Jones  
Attorney for Defendants  
John Rynhart  
Lyle Thomas

**ORDER**

The Court having considered the foregoing stipulation of the parties, and good cause appearing, therefore the Court hereby ORDERS as follows:

1. No later than five (5) days from the date of this Order, the parties shall submit letter briefs not to exceed four (4) pages outlining their positions regarding the reasonableness of Dr. Sfakianos's deposition fee.

2. The parties may also submit declarations in support of their letter briefs.

The dispute as to the reasonableness of Dr. Sfakianos's fee will be submitted for the Court's consideration without a hearing.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_April 12, 2011\_



HON. NANDOR J. VADAS  
United States Magistrate Judge